

IN THE COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

MARVIN RODRIGUEZ

§

V.

§

§

§

STATE OF TEXAS

§

FILED
COURT OF CRIMINAL APPEALS
12/2/2020
DEANA WILLIAMSON, CLERK
No. PD-1130-19

APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE BRIEF ON THE MERITS

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, Marvin Rodriguez, Appellant, by and through his attorney of record, and moves this Court to extend the date for the filing of Appellant's brief on the merits by thirty days to January 4, 2021. The following allegations are made in support of this motion.

I.

The court below is the 396th District Court of Tarrant County. The style and number of the case was *State v. Rodriguez*, cause number 1432306D. Appellant was convicted of murder and sentenced to twenty years in prison. Appellant is incarcerated.

The Second Court of Appeals issued an opinion affirming the trial court's judgment. *See Rodriguez v. State*, No. 02-17-00371-CR (Tex. App.—Fort Worth Aug. 1, 2019). Appellant filed a motion for rehearing which was denied on September

26, 2019.

Appellant filed a petition for review in this Court on December 2, 2019. This Court granted Appellant's petition on November 4, 2020. Accordingly, Appellant's brief on the merits is currently due on December 4, 2020.

II.

This extension is not requested for purposes of delay. The undersigned has last week completed an appellate brief in the Second Court of Appeals, has aided one attorney in the writing and filing of a petition for review, aided another attorney in the writing and filing of a brief in the Fifth Circuit Court of Appeals, has had several hearings in DFPS matters in family court, and prepared for and appeared in a contested non-disclosure hearing. Finally, the State has indicated that it does not oppose the grant of this request for extra time.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that the Court grant this request and allow for a thirty-day extension for the filing of Appellant's brief, until January 4, 2021.

Respectfully submitted,

/s/ Jim Gibson
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CERTIFICATE OF SERVICE

A copy of this motion has been sent via electronic mail to the attorney for the State on December 2, 2020.

/s/ Jim Gibson
Jim Gibson

Automated Certificate of eService

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Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule	24031632	information@spa.texas.gov	12/2/2020 12:56:02 PM	SENT
Joseph Spence		ccaappellatealerts@tarrantcountytexas.gov	12/2/2020 12:56:02 PM	SENT